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Reliance on Dean and 12 Others Is Indicated

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By singling out the persons with whom alleged Watergate cover-up coconspirators met on specific occasions, the Watergate prosecution force saved itself some later legal work and possibly indicated how importantly it regards the testimony of former White House counsel John W. Dean III.

Dean appears to be the principal witness in 22 of 45 "overt acts" that the government says occurred in furtherance of the cover-up conspiracy. In many of those instances, Dean is clearly the only government witness and his testimony could have to be weighed against versions of the same meetings by such prominent figures as former White House aides John Ehrlichman and H. R. Haldeman.

But in listing the overt acts specifically, the prosecutor's office also introduced into yesterday's indictment 12 names other than the original Watergate defendants or persons charged in this indictment.

An indictment, according to dictionary definitions, is a "formal accusation by a grand jury." That definition, however, applies to defendants only.

Other persons named in conspiracy indictments generally fall into three categories, according to prosecu-

tors experienced in handling such cases:

- Those who could be charged with a crime, but whom the government, depending upon its priorities or needs, decides to use as witnesses.

- Those for whom there is no basis for criminal charge. These could be persons who unwittingly took part in the alleged conspiracy.

- Persons who have already pleaded guilty to the same crime and have agreed to be government witnesses.

The seven defendants in the case are charged under a general federal conspiracy statute that means, basically, that they allegedly plotted to cover up the participation by higher-ups in the Watergate break-in. Some are also charged with other specific crimes.

Listed numerically at the end of that general conspiracy charge are 45 "overt acts" that allegedly occurred for the purpose of keeping that conspiracy alive.

Conspiracy can be charged in practically any type of crime that requires planning—murder, bank robbery, narcotics, etc.

However, in order to prevent persons from being charged with conspiracy for merely talking about a crime, the "overt acts" are necessary in criminal charges to show that they actually took some steps to carry out that crime.

Those named in the overt acts in yesterday's indictment who have pleaded guilty to Watergate-related crimes are Dean, former Nixon campaign official Jeb Start Magruder, former campaign official Fred LaRue, former Presidential attorney Herbert Kalmbach, and former White House aide Egil (Bud) Krogh.

The other seven persons named in the indictment are not charged with any crimes in connection with this case or any other cases. They are:

- Former Attorney General Richard Kleindienst. His name comes up only in the first alleged overt act. According to that listing, defendant John N. Mitchell asked defendant Robert C. Mardian to tell original Watergate coconspirator G. Gordon Liddy to seek the assistance of Kleindienst in getting at least one arrested Watergate burglar released from jail. Kleindienst testified before the Senate Watergate committee that he rejected Liddy's overtures.

- Gen. Vernon A. Walters, deputy director of the CIA. According to the eighth overt act charged in the indictment, Ehrlichman suggested to Dean that Walters be asked if the CIA could pay the bail and salaries of persons arrested in the Watergate break-in. Walters has testified that he turned down Dean's request.

- William O. Bittman, the first defense attorney for original Watergate coconspirator E. Howard Hunt Jr. Bittman is named in seven overt acts, most of them dealing with his receipt of funds. There is no indication in the indictment that he knew the purpose of the funds or of how the money was represented to him by the persons who gave it to him.

- Anthony Ulasevich. The former New York policeman who worked for the White House is named in six overt acts as making deliveries of money to Liddy, Bittman and to a locker at the Washington's National Airport. Ulasevich testified about the deliveries before the Senate Watergate committee.

- Dorothy Hunt. The late wife of E. Howard Hunt Jr.

is named in two overt acts as having received large sums of money from Ulasevich. She died in a commercial plane crash in December, 1972.

- John C. Caulfield. The White House investigator is named in one overt act that alleges Mitchell asked Dean to have Caulfield pass on an offer of executive clemency to original Watergate defendant James W. McCord Jr. Caulfield has testified that he passed on that offer, as Ehrlichman and Haldeman.

- Paul O'Brien. A Washington lawyer who represented the Nixon re-election committee and a member of the same law firm as defendant Kenneth Wells Parkinson. He is named in one overt act of the indictment that says he was contacted by Hunt concerning a Hunt request for \$120,000.

Another name that figured prominently in the Watergate scandal was that of former FBI acting director L. Patrick Gray. Gray's name does not appear in the indictment, however.

Gray admitted before the Senate committee that he destroyed documents that were taken out of Hunt's White House safe. However, persons familiar with the prosecution say it would be difficult to tie those documents directly to the Watergate cover-up since it had been admitted as well that they pertained to a matter unrelated to the Watergate scandal.

Gray could be of use as a witness, however, to corroborate parts of Dean's testimony on other points, the sources pointed out.

The reliance on Dean's testimony seems to be even heavier than many persons familiar with the case thought it would be. Especially critical to any successful prosecution of the case, sources say, are overt acts that rely solely on Dean's word against such persons